

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

JAMES L. GARDNER, #1193858

§

VS.

§

CIVIL ACTION NO. 5:09cv189

DAVID HUDSON, ET AL.

§

ORDER OF DISMISSAL

Plaintiff James L. Gardner, a Texas prison inmate previously confined at the Telford Unit of the Texas prison system, filed this civil rights lawsuit pursuant to 42 U.S.C. § 1983. The complaint was referred to United States Magistrate Judge Caroline M. Craven, who issued a Report and Recommendation that the complaint should be dismissed. The Plaintiff has filed objections.

The Report of the Magistrate Judge, which contains her proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of the objections raised by the Plaintiff to the Reports, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and the objections of the Plaintiff are without merit.

The present lawsuit concerns the loss or destruction of property. The lawsuit is the type of property claim barred by the *Parratt*¹/*Hudson*² doctrine. The Plaintiff's remedies are in state court, as opposed to federal court. Therefore the findings and conclusions of the Magistrate Judge are adopted as the findings and conclusions of the Court. It is accordingly

¹*Parratt v. Taylor*, 451 U.S. 527 (1981).

²*Hudson v. Palmer*, 468 U.S. 533 (1984).

ORDERED that the civil rights complaint is **DISMISSED** with prejudice pursuant to 28 U.S.C. § 1915A(b)(1). It is further

ORDERED that all motions not previously ruled on are **DENIED**.

SIGNED this 2nd day of February, 2010.



DAVID FOLSOM
UNITED STATES DISTRICT JUDGE